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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 UNITED STATES OF AMERICA,)

10 Plaintiff,)

11 v.)

12 ROBERT DEAN ELLSWORTH,)

13 Defendant.)
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3:04-CR-00035-LRH-RAM

ORDER

15 Before the Court is Defendant's *pro se* Motion to Renew Motion to Dismiss for Lack of
16 Subject Matter Jurisdiction. Doc. #62.¹ The United States filed a Response (Doc. #63), to which
17 Defendant replied (Doc. #64).

18 On May 6, 2013, Defendant, acting *pro se*, filed a nearly identical motion styled as a
19 "Motion to Dismiss and Vacate Case and All Proceedings and Orders Therein for Lack of Subject
20 Matter Jurisdiction Pursuant to Federal Rule of Civil Procedure 12(h)(3)." Doc. #51. Again on
21 December 23, 2013, Defendant, acting *pro se*, filed another nearly identical motion styled as a
22 Motion to Dismiss Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(h)(3) for Lack of
23 Subject Matter Jurisdiction. Doc. #57. In all three Motions, Defendant asserts that the Court
24 lacked subject matter jurisdiction because the entirety of Title 18 United States Code, including
25 Section 3231, under which he was charged, prosecuted, convicted, and sentenced, was not properly
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¹ Refers to the Court's docket number.


1 enacted into law. Doc. #51, p. 10; Doc. 54, p. 6; Doc. #57, pp. 2-3 (citing Exhibit A); Doc. #62, p.
2 2; Doc. #64, p. 2.

3 On October 23, 2013, the Court issued an Order denying Defendant's motion as both
4 untimely and as to the merits. Doc. #55. Again on January 31, 2014, the Court denied Defendant's
5 Motion, finding his argument that 18 U.S.C. § 3231 was not properly enacted to be entirely lacking
6 in merit. Doc. #60. The current Motion is redundant and is denied on the same basis as set forth in
7 Orders #55 and #60.

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9 IT IS THEREFORE ORDERED that Defendant's Motion to Renew Motion to Dismiss for
10 Lack of Subject Matter Jurisdiction (Doc. #62) is DENIED.

11 IT IS SO ORDERED.

12 DATED this 17th day of March, 2014.

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16 LARRY R. HICKS
17 UNITED STATES DISTRICT JUDGE
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